



BILLING CODE 4165-15

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by Section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact the Clerk, United States Court of Federal Claims, 717 Madison Place, N.W., Washington, D.C. 20005, (202) 357-6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 11C-26, Rockville, MD 20857; (301) 443-6593.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa-10 et seq., provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated her responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at Section 2114 of the PHS Act or as set forth at 42 CFR 100.3, as applicable. This Table lists for each covered childhood vaccine the conditions which may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa-12(b)(2), requires that “[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the Federal Register.” Set forth below is a list of petitions received by HRSA on July 1, 2013, through July 31, 2013. This list provides the name of

petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master "shall afford all interested persons an opportunity to submit relevant, written information" relating to the following:

1. The existence of evidence "that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition," and
2. Any allegation in a petition that the petitioner either:
 - a) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Table but which was caused by" one of the vaccines referred to in the Table, or
 - b) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine" referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person

choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading "For Further Information Contact"), with a copy to HRSA addressed to Director, Division of Vaccine Injury Compensation Program, Healthcare Systems Bureau, 5600 Fishers Lane, Room 11C-26, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

DATED: August 29, 2013

Mary K. Wakefield,
Administrator

List of Petitions Filed

1. Carolynne Olson
Encinitas, California
Court of Federal Claims No: 13-0439V
2. William H. Kennedy, Jr.
Elizabethton, Tennessee
Court of Federal Claims No: 13-0441V
3. Maria and Joel Gonzalez on behalf of Joel Gonzalez, Jr.
San Jose, California
Court of Federal Claims No: 13-0442V
4. Rebecca J. McCorkle
Chillicothe, Ohio
Court of Federal Claims No: 13-0444V
5. Mark Barry Hooper
Belfair, Washington
Court of Federal Claims No: 13-0445V
6. Robert P. Zimmerman
Orlando, Florida
Court of Federal Claims No: 13-0447V
7. Patsy Nash Russell
Albertville, Alabama
Court of Federal Claims No: 13-0462V
8. Robert Manzella
Southfield, Michigan

- Court of Federal Claims No: 13-0469V
9. Wendy Williams
Mansfield, Louisiana
Court of Federal Claims No: 13-0471V
10. Karen O'Malley on behalf of A.F.
Newton, Massachusetts
Court of Federal Claims No: 13-0472V
11. Julie Cochran on behalf of John James Bieber, Deceased
Dayton, Tennessee,
Court of Federal Claims No: 13-0477V
12. Catherine Wolski
Evergreen Park, Illinois
Court of Federal Claim No: 13-0482V
13. Tanisia Cunningham on behalf of G.C.F.
Vienna, Virginia
Court of Federal Claims No: 13-0483V
14. Devon Jaffri
Vienna, Virginia
Court of Federal Claims No: 13-0484V
15. Bernadine Ramires
Bronx, New York
Court of Federal Claims No: 13-0485V
16. Ginger M. Martin and Catherine J. O'Quin on behalf of Heavenly S. Lee
Gulf Shores, Alabama
Court of Federal Claims No: 13-0486V

17. David Fairchild
McIntosh, Alabama
Court of Federal Claims No: 13-0487V
18. Cynthia K. Williams
Richmond, Virginia
Court of Federal Claims No: 13-0488V
19. Michael and Catherine McNulty on behalf of W.T.M.
Rockford, Illinois
Court of Federal Claims No: 13-0489V
20. Wendy Lister
Mount Gretna, Pennsylvania
Court of Federal Claims No: 13-0492V
21. Terese Wackrow
San Diego, California
Court of Federal Claims No: 13-0493V
22. Donna Higgins
Winston Salem, North Carolina
Court of Federal Claims No: 13-0497V
23. Shana Scales
Boston, Massachusetts
Court of Federal Claims No: 13-0501V
24. Robert Kaper
Lincoln, California
Court of Federal Claims No: 13-0504V

25. Melinda A. Schmidt
Salina, Kansas
Court of Federal Claims No: 13-0510V
26. Douglas A. Graham
New York, New York
Court of Federal Claims No: 13-0514V
27. Carl Borghi
Boston, Massachusetts
Court of Federal Claims No: 13-0518V
28. David Alexander Maher
Ventura, California
Court of Federal Claims No: 13-0521V
29. Danna Testa on behalf of Scott Testa
Columbus, Ohio
Court of Federal Claims No: 13-0524V
30. Richard W. Ploeser on behalf of Lou-Ann M. Ploeser, Deceased
Sun City, Arizona
Court of Federal Claims No: 13-0525V
31. Ryan L. Swick and Mary M. Swick on behalf of Justin Ryker Swick, Deceased
Iowa Falls, Iowa
Court of Federal Claims No: 13-0526V
32. Megan Morgan
West Des Moines, Iowa
Court of Federal Claims No: 13-0529V

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